

HOUSE BILL No. 1241

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-43-5-2.

Synopsis: Counterfeiting. Makes it counterfeiting, a Level 5 felony, for a person to knowingly or intentionally: (1) make or utter a written instrument that contains a trademark or another marking, object, or symbol that designates or assigns value, right, privilege, or identification in such a manner that it purports to have been made by another person, at another time, with different provisions, or by authority of one who did not give authority; and (2) transfer the written instrument into Indiana by mail or through a common carrier from outside Indiana.

Effective: July 1, 2016.

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January 11, 2016, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

HOUSE BILL No. 1241

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-43-5-2, AS AMENDED BY P.L.197-2015,
2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 2. (a) A person who knowingly or intentionally:
4 (1) makes or utters a written instrument in such a manner that it
5 purports to have been made:
6 (A) by another person;
7 (B) at another time;
8 (C) with different provisions; or
9 (D) by authority of one who did not give authority; or
10 (2) possesses more than one (1) written instrument knowing that
11 the written instruments were made in a manner that they purport
12 to have been made:
13 (A) by another person;
14 (B) at another time;
15 (C) with different provisions; or
16 (D) by authority of one who did not give authority;
17 commits counterfeiting, a Level 6 felony.



(b) A person who knowingly or intentionally:

(1) makes or utters a written instrument that contains a trademark or another marking, object, or symbol that designates or assigns value, right, privilege, or identification in such a manner that it purports to have been made:

(A) by another person;

(B) at another time;

(C) with different provisions; or

(D) by authority of one who did not give authority; and

(2) transfers the written instrument into Indiana by mail or through a common carrier from outside Indiana;

commits counterfeiting, a Level 5 felony.

~~(b)~~ (c) A person who, with intent to defraud:

(1) makes or delivers to another person:

(A) a false sales receipt;

(B) a duplicate of a sales receipt; or

(C) a label or other item with a false universal product code (UPC) or other product identification code; or

(2) places a false universal product code (UPC) or another product identification code on property displayed or offered for sale;

commits making or delivering a false sales document, a Level 6 felony.

~~(c)~~ (d) A person who, with intent to defraud, possesses:

(1) a retail sales receipt;

(2) a label or other item with a universal product code (UPC); or

(3) a label or other item that contains a product identification code that applies to an item other than the item to which the label or other item applies;

commits possession of a fraudulent sales document, a Class A misdemeanor. However, the offense is a Level 6 felony if the person possesses at least fifteen (15) retail sales receipts, at least fifteen (15) labels containing a universal product code (UPC), at least fifteen (15) labels containing another product identification code, or at least fifteen (15) of any combination of the items described in subdivisions (1) through (3).

~~(d)~~ (e) A person who, with intent to defraud, makes, utters, or possesses a written instrument in such a manner that it purports to have been made:

(1) by another person;

(2) at another time;

(3) with different provisions; or

(4) by authority of one who did not give authority;



1 commits forgery, a Level 6 felony.

2 ~~(e)~~ **(f)** This subsection applies to a person who applies for a driver's
3 license (as defined in IC 9-13-2-48), a state identification card (as
4 described in IC 9-24-16), or a photo exempt identification card (as
5 described in IC 9-24-16.5). A person who:

6 (1) knowingly or intentionally uses a false or fictitious name or
7 gives a false or fictitious address in an application for a driver's
8 license, a state identification card, or a photo exempt
9 identification card or for a renewal or a duplicate of a driver's
10 license, a state identification card, or a photo exempt
11 identification card; or

12 (2) knowingly or intentionally makes a false statement or conceals
13 a material fact in an application for a driver's license, a state
14 identification card, or a photo exempt identification card;
15 commits application fraud, a Level 6 felony.

